**THE HON'BLE MR JUSTICE V.V.S.RAO**

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WRIT PETITION No.27554 of 2005

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**23.01.2006**

Between:

Smt.K.Chellayyamma Devi, W/o.Sri K.Chanti Babu

... Petitioner

AND

The Principal Secretary, Government of Andhra Pradesh,

Panchayat Raj Department, A.P.Secretariat,

Hyderabad.

And otherd

...Respondents

**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION No.27554 of 2005

ORDER:

The petitioner is sarpanch of Divili Gram Panchayat of Peddapuram Mandal in East Godavari District. By an order dated 29.8.2005, the District Collector prohibited the petitioner from drawing funds of the Gram Panchayat. Aggrieved by the same, she filed a writ petition being W.P. No.20117 of 2005. By order dated 19.9.2005, this Court set aside the order of the District Collector on the ground of jurisdiction and gave liberty to the competent authority, namely, the District Panchayat Officer (DPO) to pass appropriate orders. The DPO, thereafter, issued proceedings dated 06.10.2005 prohibiting the petitioner from operating all kinds of funds from the Gram Panchayat pending further orders till finalisation of the action proposed against the petitioner under Section 249(6) of A.P. Panchayat Raj Act, 1994 (the Act, for brevity). This order is assailed in the present writ petition.

The learned Counsel for the petitioner submits that after receiving the impugned order, the petitioner filed a representation on 23.10.2005 before the District Collector requesting to set aside the impugned order, in vain. He further submits that the

representation is still pending. He only seeks a direction to the District Collector to dispose of the said representation.

Against any order passed by the DPO under Rule 42(1) of the Rules promulgated in G.O.Ms.No.30 dated 20.1.1995, an appeal is provided to the District Collector by Rule 42(2) of the said Rules. The representation dated 23.10.2005 made by the petitioner cannot be treated as an appeal as such. If so advised, the petitioner is given liberty to file a regular appeal before the District Collector. As and when such appeal is filed, the District Collector shall entertain the same and pass appropriate orders within a period of four weeks thereafter. In the meanwhile, if the petitioner is already suspended or removed from the office of the Sarpanch, it shall be open to the petitioner to avail remedies under the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

January 23, 2006.

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